

# LEGAL NOTICE

## Summary of Proposed Rulemakings

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### **PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES**

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

#### ***IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE PO Box 83720, Boise, ID 83720-0036***

***16-0305-0501, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled.*** Allows continued Medicaid coverage to individuals with disabilities who received Medicaid and AABD state cash assistance before they began employment or increased their level of earnings. Comment by: 7/27/05.

***16-0309-0502, Rules Governing the Medical Assistance Program.*** Creates a unique UAI identifier to identify persons living in Certified Family Homes and Assisted Living Facilities with specific diagnosis of mental illness, mental retardation and/or Alzheimer's Disease at a unique level of care that reflects behavioral needs and ties to an established reimbursement rate. Comment by: 7/27/05.

#### ***IDAPA 18 - DEPARTMENT OF INSURANCE PO Box 83720, Boise, ID 83720-0043***

***18-0154-0501, Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act.*** Changes conform to the Federal Medicare, Prescription Drug, Improvement, and Modernization Act of 2003 that added prescription drug coverage to Medicare by adding two additional required Medicare supplement insurance plans. Comment by: 7/27/05.

#### ***IDAPA 19 - STATE BOARD OF DENTISTRY 708½ W. Franklin Street, Boise, ID 83702***

***19-0101-0501, Rules of the Idaho State Board of Dentistry.*** Updates revised ADA documents that are incorporated by reference; clarifies and adds to the permissible duties of a dental hygienist; and authorizes a properly trained dental assistant who holds the appropriate expanded function certification to initiate and regulate nitrous oxide for a patient while working under the direct supervision of a dentist. Comment by: 7/27/05.

#### ***IDAPA 20 - DEPARTMENT OF LANDS PO Box 83720, Boise, ID 83720-0050***

***20-0308-0501, Easements on State-Owned Lands.*** Increases application and amendment fees and the minimum compensation fee; establishes and sets a maximum for appraisal fees; increases Director's level of authority for easement approval and the state's rights to, and/or disposal of, any timber within the easement area. Comment by: 7/27/05.

#### ***IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT PO Box 7129, Boise ID 83707-1129***

***39-0311-0501, Rules Governing Overlegal Permittee Responsibility and Travel Restrictions.*** Restricts over-width permitted vehicles from operating on certain sections of state and interstate highways during the hours of high-commuter traffic. Comment by: 7/27/05.

**39-0345-0501, Rules Governing Sale of No Longer Useful or Useable Real Property.** Conforms to statutory changes by allowing local government entities to acquire surplus ITD property (for other than transportation purposes, at a negotiated price up to the appraised value and expressly for public purposes) with sales proceeds to the State Highway Account. Comment by: 7/27/05.

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY  
1410 N. Hilton, Boise, ID 83706-1255**

**58-0101-0502, Rules for the Control of Air Pollution in Idaho.** Allows DEQ to exempt deferred sources from the requirement to obtain a Tier I operating permit unless EPA decides differently. Comment by: 8/5/05.

**58.01.02, Water Quality Standards and Wastewater Treatments Requirements.**

**58-0102-0501,** Removes the “NONE” designation for aquatic life for water body units B-23, B-24, and B-25 (Subsection 160.02), parts of Soda Creek tributary to the Bear River; adds definition for “Zone of Initial Dilution” for use in mixing zone analysis; and revises definitions of “Ephemeral Waters” and “Intermittent Waters” to clarify that natural stream flows are the basis for such classifications. Comment by: 8/5/05.

**58-0102-0502,** Clarifies and makes consistent language regarding E. coli criteria designed to protect recreational use of Idaho waters; makes it clear that 5 samples of E. coli are needed to judge compliance with the surface water quality standards; allows greater flexibility in obtaining the requisite 5 samples in 30 days; and adds required rule sections and deletes unnecessary sections. Comment by: 8/5/05.

**58-0111-0501, Ground Water Quality Rules.** Changes numerical standard for arsenic; adds numerical standard for uranium, Giardia, and Cryptosporidium; removes incorrect citations. Comment by: 8/3/05.

***A Public Hearing Has Been Scheduled for the Following Rulemaking:***

***Dept. of Health and Welfare***

***16-0316-0501, Access to Health Insurance Program.***

***Public Meetings Have Been Scheduled for the Following Negotiated Rulemakings***

***Board of Registration of Professional Engineers and Land Surveyors***

***10-0101-0501, Rules of Procedure.***

***Dept. of Health and Welfare***

***16-0000-0503, Home Care for Certain Disabled Children (Katie Beckett) Medicaid Program.***

***16-0309-0505, Rules Governing the Medical Assistance Program.***

Please refer to the Idaho Administrative Bulletin, **July 6, 2005, Volume 05-7** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact information.

**Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.**

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering see our website or call (208) 332-1820 or write the Office of Administrative Rules, Department of Administration, 650 W. State St., Room 100, Boise, ID 83720-0306. Visa and MasterCard accepted for most purchases.

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